

PATTON BOGGS LLP
ATTORNEYS AT LAW

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2008 OCT 10 PM 4: 03

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October 10, 2008

William J. McGinley
202-457-6561

VIA HAND DELIVERY

Mr. Jeff S. Jordan, Esquire
Supervisory Attorney
Complaints Examination & Legal
Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6071
Kirk for Congress

Dear Mr. Jordan:

This responds to the notification by the Federal Election Commission ("Commission") that a complaint had been against our client, Kirk for Congress ("KFC"), in the above-referenced matter. A Statement of Designation of Counsel is attached.

Complainant takes issue with an email—one email—that he received that contained an attached flier. A copy of the flier was included with the Complaint and is attached for your convenience. The flier advertises a fall voter outreach program, prominently lists a logo identifying Congressman Mark Kirk at the top of the flier, and includes in large type an email address at KFC. In fact, the domain name for the email contact is "kirkforcongress.com". A fair and objective review of the flier reveals that there is no question concerning the identity of the sponsoring entity—KFC—and that the flier included KFC contact information.

Moreover, KFC conducted a brief review of the email records of the campaign staff member who sent the flier identified in the Complaint. This review indicates that the flier was not sent via a mass distribution. Rather, it appears it was sent to a limited number of individuals. The Complaint offers no evidence to the contrary.

This matter should be dismissed immediately and the Commission should take no further action and close the file. This Commission should not waste its resources chasing this frivolous Complaint. See Ellen L. Weintraub, Steven T. Walther, et al, MUR 5651 Statement of Reasons ("An agency generally cannot act against each technical violation of the statute it is charged with enforcing.") (citations and quotations omitted); Steven T. Walther, Ellen L. Weintraub, et al, MUR 5595 Statement of Reasons ("Under the circumstances, even if a technical violation of [2

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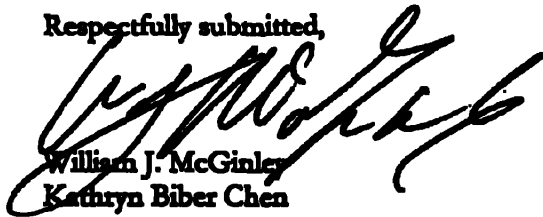
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U.S.C. 441d] could be proven, the matter does not represent a sufficiently serious matter to devote the resources to pursue."); Ellen L. Weintraub, et al, MUR 5523 Statement of Reasons (dismissing alleged disclaimer enforcement matter as low priority). These principles are especially applicable in the instant case, where the flier at issue in this matter clearly identifies KFC as the entity that paid for the costs.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William J. McGinley
Kathryn Biber Chen

Attachments

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FEDERAL ELECTION COMMISSION

999 E Street, N.W.
Washington, D.C. 20463

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Statement of Designation of Counsel

MUR 6071

Name of Counsel: William J. McGinley
Benjamin L. Ginsberg
Glenn Willard
Katie Biber Chen

Firm: Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

Telephone: (202) 457-6561

Fax: (202) 457-6315

The above named individuals are hereby designated as counsel and are authorized to receive any notifications and other communications from the Commission and to act on behalf of the committee before the Commission.

October 10, 2008

Date



Luke F. Praxmeyer, Treasurer
Signature

Name (Print): Kirk for Congress
And Luke F. Praxmeyer, as Treasurer

Address: PO Box 8
Winnetka, IL 60093

Telephone:

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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Fall Canvass Positions

CONGRESSMAN MARK

Kirk

★★★★★★★★

10th District of Illinois

Fall Voter Outreach Program

**Looking to get involved in the upcoming
Congressional Race?**

Come join Kirk for Congress as a member of our Fall Canvass team. Earn \$195 for your efforts, which include walking the precincts of your community, interacting with voters, and distributing information related to the election on November 4th. Bring your friends and earn an extra \$20 for every person that signs up!

All interested persons should contact Vitaly at
or 847-513-9353

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